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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

PHILLIP D. HURBACE et al.,

Defendants.

Case No. 2:17-cr-00110-APG-DJA

**Stipulation to Continue Restitution Hearing  
and Sentencings (Fourth Request)**

IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson, United States Attorney, through Richard Anthony Lopez and Mina Chang, Assistant United States Attorneys, counsel for the United States of America, Osvaldo E. Fumo, Esq., counsel for defendant Phillip D. Hurbace, Lisa A. Rasmussen, Esq., counsel for defendant Sylviane Della Whitmore, and Daniel Hill, Esq., counsel for defendant Larry Anthony McDaniel, that the Court continue the restitution hearing scheduled for October 10, 2023, at 10:00 a.m. and the sentencing hearings scheduled for October 12, 2023, at 11:00 a.m., 1:30 p.m., and 2:30 p.m. to a date convenient to the Court, preferably January 16, 2024, for the restitution hearing and January 18, 2024, for the sentencings.

This Stipulation is entered into for the following reasons:

1           1.       The government recently received large amounts of documentation from victims  
2 requesting restitution that needs to be reviewed by the government and produced to the defense  
3 so that all parties can be adequately prepared for a hearing on restitution.

4           2.       In addition, the Zero Point Offender amendment to the Sentencing Guidelines  
5 takes effect on November 1, 2023, and postponing sentencing to after that date will remove any  
6 legal issues associated with its retroactive application.

7           3.       The parties cannot find a date in November that works for all because of  
8 significant medical treatments and scheduling conflicts.

9           4.       In addition, counsel for Whitmore is scheduled to begin a federal civil trial on  
10 December 4, 2023, that is expected to last approximately one week.

11          5.       The Court is scheduled to start a lengthy bench trial on December 4, 2023.

12          6.       All parties and the Court are available January 16 and 18, 2024.

13          7.       This continuance is not sought for purposes of delay, but to provide the parties the  
14 time necessary to adequately prepare and to accommodate medical and trial schedules.

15          8.       For the reasons stated above, the ends of justice would best be served by a  
16 continuance of the deadline. Denial of this request for continuance of the deadline could result in  
17 a miscarriage of justice.

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9. Defendants are out of custody and do not object to the request for continuance.

DATED this 5th day of October, 2023.

Respectfully submitted,

/s/ Osvaldo E. Fumo  
OSVALDO E. FUMO, ESQ.  
Counsel for Defendant HURBACE

JASON M. FRIERSON  
United States Attorney

/s/ Daniel Hill  
DANIEL HILL, ESQ.  
Counsel for Defendant MCDANIEL

/s/ Richard Anthony Lopez  
RICHARD ANTHONY LOPEZ  
MINA CHANG  
Assistant United States Attorneys

/s/ Lisa A. Rasmussen  
LISA A. RASMUSSEN, ESQ.  
Counsel for Defendant WHITMORE

1 **UNITED STATES DISTRICT COURT**  
2 **FOR THE DISTRICT OF NEVADA**

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 PHILLIP D. HURBACE et al.,

7 Defendants.

Case No. 2:17-cr-00110-APG-DJA

**Order Granting Stipulation to Continue  
Restitution Hearing and Sentencings  
(Fourth Request)**

8 Based on the parties' stipulation to continue the restitution and sentencing hearings, and  
9 good cause appearing therefore, the Court hereby finds that:

10 1. The government recently received large amounts of documentation from victims  
11 requesting restitution that needs to be reviewed by the government and produced to the defense  
12 so that all parties can be adequately prepared for a hearing on restitution.

13 2. In addition, the Zero Point Offender amendment to the Sentencing Guidelines  
14 takes effect on November 1, 2023, and postponing sentencing to after that date will remove any  
15 legal issues associated with its retroactive application.

16 3. The parties cannot find a date in November that works for all because of  
17 significant medical treatments and scheduling conflicts.

18 4. In addition, counsel for Whitmore is scheduled to begin a federal civil trial on  
19 December 4, 2023, that is expected to last approximately one week.

20 5. The Court is scheduled to start a lengthy bench trial on December 4, 2023.

21 6. All parties and the Court are available January 16 and 18, 2024.

22 7. This continuance is not sought for purposes of delay, but to provide the parties the  
23 time necessary to adequately prepare and to accommodate medical and trial schedules.  
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1           8.       For the reasons stated above, the ends of justice would best be served by a  
2 continuance of the deadline. Denial of this request for continuance of the deadline could result in  
3 a miscarriage of justice.

4           9.       Defendants are out of custody and do not object to the request for continuance.

5                               **ORDER**

6           **IT IS HEREBY ORDERED** that the restitution hearing currently scheduled for October  
7 10, 2023, at 11:00 a.m. is reset to 1:30 p.m. on January 16, 2024, in Courtroom 6C; and

8           **IT IS FURTHER ORDERED** that the sentencing hearings currently scheduled for  
9 October 12, 2023, at 11:00 a.m., 1:30 p.m., and 2:30 p.m., are hereby reset to:


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11           9:00 a.m. on January 18, 2024, for Philip D. Hurbace;

12           10:00 a.m. on January 18, 2024, for Larry Anthony McDaniel; and

13           11:00 a.m. on January 18, 2024, for Sylviane Della Whitmore;

14 all in Courtroom 6C.

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16 **DATED:** October 5, 2023

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20 HON. ANDREW P. GORDON  
21 UNITED STATES DISTRICT JUDGE  
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